

LISTING OF CLAIMS:

Claim 1 has been rewritten as claim 4;

Claim 2 has been withdrawn;

Claim 3 has been withdrawn;

Claim 4, the only pending claim is Claim 1 rewritten above.

Claim 4: A dry cleaning business model algorithm comprising the steps of:

a dry cleaning facility receives and inspects material suitable for dry cleaning from a customer;

the material suitable for dry cleaning is placed into dry cleaning equipment which has been converted from use with a non-silicone based cleaning solvent to use with a silicone based cleaning solvent;

the equipment is run through a cleaning cycle which includes:

contact of the material being cleaned with silicone based solvent,

filtration of the silicone based cleaning solvent while the cleaning cycle

runs, and

separation of water from the silicone based solvent while the cleaning cycle runs;

at the conclusion of the cleaning cycle the material which has been in the converted dry cleaning equipment is removed and treated to remove lint and/or pressed as is necessary;

and, finally, the now dry cleaned material is returned to the customer. ---

Discussion:

The applicants have carefully read the Office Action and particularly thank the Examiner for her careful and helpful suggestions regarding claim 1.

Claim 4 (claim 1 rewritten), the sole claim remaining for consideration, has been rejected solely on the basis of the Berndt's (one of the inventors of this Application) United States Patent Number 6,086,636 on the ground that:

"The subject matter would have been obvious to the skilled artisan reading the Berndt patent because that patent discloses in detail the requirements , including separation and filtration systems for use with organosilicone solvents, and he describes how his new dry cleaning apparatus differs from the conventional dry cleaning apparatus. He not only describes the differences between the PERC solvents and the organosilicone solvents in terms of their density, but he also describes the problem of the organosilcone fluid forming globules, which means that a different separation and filtration system is necessary. Accordingly Berndt describes the problems of changing from a PERC dry cleaning system to an organosilicone dry cleaning system in such detail that an engineer familiar with dry cleaning equipment reading this patent would have the knowledge to convert a PERC dry cleaning apparatus to a system that could be used successfully with organosilicone solvents.”.

This is a case where the **subjective** finding of a skilled Patent Office Examiner is the ground for the finding of obviousness. We do not question the finding of the examiner, but we do question the application to the inventor, and particularly to the claim. The inventor is a Medical Doctor who is a talented chemist as well. He is not a dry cleaning machinery engineer. The invention as claimed in claim 1 (now claim 4) is a business model algorithm, it is not a machine. A machine is used in the algorithm, but the machine is not claimed as such and

standing alone is not the subject of the claim. A **converted** dry cleaning machine is utilized in steps in the **algorithm**. There does not appear to be prior art as to this **algorithm**.

The importance of this claim, and the algorithm as a business model algorithm, is underscored if reference is made to the State Street Bank case (149 F. 3d. 1237). The existence of a water separator as a part of the converted machine is not the claim. Rather the claim is a business model where a machine which has been converted is used in the business model algorithm, but that is all. Claim 1 consists of a **step by step** method, which is emphasized by the State street Bank case which held that this is an algorithm, and that such algorithms are patentable if they are **useful**. Clearly this is **useful**.

Further, there seems to be no history of anyone having conceived the possibility of using a converted dry cleaning machine in this sort of algorithm.

Certainly this inventor would not spend the extra money for a new Patent Application if he was of the belief at the time of his original invention of Patent Number that he had invented a machine which could have been included in his original Patent.

In the event the Examiner should have any remaining doubt as to the allowance of this one claim **dry cleaning business model algorithm** it is respectfully requested that the Examiner telephone to the undersigned attorney at 1-775-826-3447 for the purpose of arranging an interview to discuss the matter.

Respectfully,



Herbert C. Schulze
Applicants' Attorney